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## EARLY LEGENDS AND RECENT DISCOVERIES<sup>1</sup>

In the *Latin Leaflet* of May 1 there appeared a paper entitled "Early Legends and Recent Discoveries." The writer begins by calling attention to the fact that "the teacher of the old school" and "the untutored pedagogue" had continued to believe in the legends of early Roman history, in spite of the behests of German skepticism, and then proceeds with this vigorous statement:

The last lustrum has brought striking confirmation of the poor pedagogue's instinct against the forces of the higher criticism arrayed in high places. This renaissance has not been restricted to the confines of Italy, for Greece has brought to light even greater marvels. Extreme skepticism has had its day and is passing to merited oblivion. In its place comes faith, faith in the annals and the credibility of our ancestors, and a readiness to admit that our forefathers must have been at least slightly conversant with the conditions which prevailed in their time; and that our methods of criticism can not wholly displace their testimony.

I do not propose to argue the general question of the credibility of early Roman history, or to deny that skepticism in some directions may have gone too far, but simply to examine the actual bearing of the recent discoveries in the Forum on Roman history. Not because this is a long or important chapter, as on the contrary it will be found to be much like that on Snakes in Ireland, but because the idea seems to have become lodged in the minds of many people that something has really been found that is of great value in estimating the credibility of early Roman story. That this is the case is shown by the communication in question, and its publication in a journal so widely circulated as the *Latin Leaflet* makes it important that its statements should be challenged.

The writer remarks—and rather long citations will be necessary in order to make his position plain:

The *lapis niger* set all to studying the period which had rested under suspicion, nay had even been found guilty of non-existence. The cippus was evidently no fraud of later times. Entombed in a remote period, it had rested in its secure hiding-place until the fulness of the time when it should be manifested for the undoing of the unbelieving. Besides the fact that the monument must have lain there from an early time, there were scattered about many proofs of great

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<sup>1</sup> Contributions in the form of notes or discussions should be sent to Henry A. Sanders, 1227 Washtenaw Avenue, Ann Arbor, Mich.

antiquity which would admit of neither cavil nor question. The language of the cippus itself furnished the proofs of a hoary antiquity and an unchallenged right to a position among the tribes of Latium. Straightway the "Italian School" leaped into new life and activity, for under this appellation went those who claimed for their progenitors the respectability of not having presumed too far on the credulity of posterity. . . . But now, with this testimony from the land of mystery, they made a bold stand and asserted their beliefs and their right to be heard even in the presence of their former prosecutors. The battle was spirited, but comparatively short. The evidence was too overwhelming. And now one of the most active of the iconoclasts has publicly professed his faith in the antiquity of the monument, admitting that parts at least belong to the "regal period," and claiming for the whole as much authenticity as could be desired by any friend of Romulus. The regal period must be recognized, whatever names may be assigned to it or connected with it. It may yet rise even to the dignity of being printed in the same type which is employed in the school histories for the recital of "accepted facts."

This passage shows clearly, as it seems to me, the writer's misconception of the canons and results of the higher criticism, and the absence of connection between his statements and conclusions. Moreover, this victory of the "Italian School" will be news to students of the subject. So far as I know, no skeptic has ventured to assert that there was *no* regal period in Rome's history, or that it was not long and important, or that many of the most distinctive elements in Roman life and organization did not originate and develop within that period. Everyone knows and admits that the republic, at its beginning, entered into an inheritance of religious belief and ritual, of social form and civil organization, that could only have been the result of long years of development under a regal form of government. The difficulty lies in the attempt to trace this development back for three hundred years, and to assign definite times, places, and persons.

For the purposes of history the archaic structures under discussion consist of two parts, the cippus and the remains of the so-called tomb of Romulus. With regard to the cippus, there is no manner of doubt that it antedates considerably the Gallic invasion, and that the inscription, although its full meaning can not be made out, contains some directions as to the ritual and sanctity of the spot. It probably is as early as the beginning of the republic, and proves—what? Why this, that the inhabitants of Rome at that time could cut inscriptions on tufa; that the spot was sacred for some reason or other; that this part of the Comitium was at least partially drained; and that the city had expanded beyond the Palatine stage, and possibly beyond the second, Septimontium, stage.

Furthermore, there is no doubt that the archaic pedestals belong to about the same period as the cippus, and no objection can be raised against the view that they belong together. The identification of these pedestals with those of the lions (or lion) which, according to the tradition that can be traced back to Varro, marked the tomb of Romulus or Faustus, is sufficiently probable to be accepted as a working hypothesis, and the remains of an ancient platform close to these structures may very likely belong to an early rostra, as early as the beginning of the republic. The pavement of black stone undoubtedly replaces the earlier *lapis niger* of Varro.

Now, granting all this, what additional light is cast upon the truth or falsity of the canonical tradition of early Roman history, as given in Livy and elsewhere? Varro says that the *lapis niger* and the lions marked the tomb of Romulus, and it is probable that they had been destroyed in the Gallic invasion. Supposing this to be so, and assuming that the structures date back as early as 500 B. C., we are led to the conclusion that at least as early as the fifth century a monument had been set up at the edge of the Comitium, to commemorate the traditional founder of the Palatine city, who, by the way, was generally believed to have been miraculously carried up into heaven. In other words, the existence of the group gives evidence of the belief in Romulus as the traditional founder of the city as early as the fifth or sixth century. As it is hardly to be supposed that this spot of all others should have been the real sepulcher of the first ruler of the Palatine city, its position is explained by its proximity to the Comitium of the enlarged community.

Now, so far as I know, there is no disposition to doubt that the existence of a founder, Romulus or someone else, and some of his achievements as the builder of the city of Rome, were believed in by many Romans throughout the period of the republic or even earlier. Someone must have been the leader of the clan or clans that took up their residence on the Palatine hill, and, whatever his real name may have been, it was entirely natural that in process of time his name and that of the city should have been identified, even if they had not been at the beginning—a thing in my opinion altogether likely. But, aside from this, nothing is added to our knowledge of the regal period in its details—which is, of course, the point in question. In other words, no light whatever is shed on the truth or falsity of any one of the single items in Livy's account of the life and work of the founder of the city. A monument was erected to his memory in the center of the city at a date probably two or three hundred years afterwards, but the evidence of this monument may be compared to that of the statue of William Tell on Lake Lucerne.

The writer of the paper under discussion goes on to say:

Among the later discoveries, there are three which approach the *lapis niger* in importance and antiquity. The first of these in the order of excavation is the Fountain of Juturna. Of the existence of the fountain there is of course no question, for there it is in plain sight. Its identity is as little open to challenge as the existence of the spring, for the name appears in large print. And its location corresponds to expectations founded on the statements occurring in the pages of Latin authors. It is not necessary to believe that on this spot Castor and Pollux actually did appear to mortal view and wash their wearied horses in the abundant waters. It is sufficient for the present that we accept this as the spot where the Romans gave their legend a habitation. Whatever historical accuracy or inaccuracy may dwell in the story, it is plain that the legend took a powerful hold on the Roman imagination, and led to the rich adornment of the place and the erection close by of a temple which occupied a prominent position in the esteem of Romans belonging both to earlier and later generations.

As a matter of fact, we knew that the spring of Juturna was on this spot just as surely before the actual basin was found as now. The remains date from the empire, but are parts of a restoration of earlier work. What is historically proved is exactly what was certain before, namely, that the spring was sacred to the nymph Juturna, and that, in consequence of the legend of the appearance of Castor and Pollux at this spring, a temple was erected in their honor as early as the first years of the republic. What possible addition to our historical knowledge the finding of the masonry of a spring on the spot where it had long been known to exist can afford, I fail to see.

The writer continues:

The necropolis exhumed in the neighborhood of the temple of Antoninus and Faustina may have some bearing on the early Roman inhabitants of the Palatine, and it may not. The graves bear the appearance of being prehistoric. Signor Boni has long cherished the opinion that before the Romans occupied the territory another nation had dwelt there, and he naturally sees in this discovery a confirmation of his favorite hobby. Whether he is justly entitled to that interpretation or not, the graves are old enough to increase our respect for the antiquity of the place as an inhabited region.

The ancient necropolis that lies in front of the temple of Antoninus is a distinct addition to our knowledge of conditions in the Forum valley in this respect, that it shows that inhumation and cremation were practiced by the inhabitants of the surrounding hills from the ninth to the sixth century B. C., and that their cemetery was at this spot. The earliest graves are now thought to date back to the eighth and probably the ninth century. If they belong to the ninth, they antedate the traditional founding

of the Palatine city. There is no indication as to whether the graves belonged to the inhabitants of the Palatine city or to those of the Septimontium. Presumably they belonged to both. It does appear, however, that the use of this necropolis ceased when the Forum began to be drained, and to be used as the common meeting-place for the united communities on the Palatine and eastern hills, the Servian city. This took place, according to tradition, in the sixth century, which corresponds with the indications of the graves, and their discovery corroborates the indications of topographical conditions as to the method and periods of the city's growth. The fact that the hills were occupied as early as tradition places the founding of the city, or even earlier, is naturally evidence of the truth of tradition in this respect—but that no one ever doubted. The probability is that there were hamlets on some of the hills even before the ninth century; but we are not a whit better authorized to accept the story that they were Evander's Arcadians.

We read further:

It is enough to tax credulity to the utmost to be informed by a grave individual of archaeological tastes that the pit has been discovered into which leaped a horseman who would thus secure the favor of the gods and avert calamity from his fellows. But here again the testimony of engraved letters is not to be easily refuted.

We know from literary testimony that the *lacus Curtius* was, in the time of Augustus, a puteal, or mouth of a dry spring, into which coins were thrown every year in honor of the emperor. This monument was regarded as very ancient, and three explanations of it were current. One was that at the beginning of the regal period a chasm suddenly opened in the center of the Forum valley. When the soothsayers asserted that this could be closed only by the sacrifice of that *quo plurimum populus Romanus posset*, a youth named Curtius leaped in, and the chasm closed over him. According to the second and less popular story, the swamp was called the *lacus Curtius* from the Sabine, Mettius Curtius, who boldly rode his horse into it when hard pressed by the Romans, and escaped. This legend seems to be represented on a remarkable archaistic relief in the palazzo dei Conservatori, which is perhaps a copy of an early work of possibly the third century B. C. The third story was that the *lacus* was a spot of ground which had been struck by lightning, and then inclosed by a stone curb or puteal by C. Curtius, consul in 445 B. C. All traces of the *lacus* were lost, although the site was pretty generally agreed upon, until about two years ago, when some twenty meters northwest of the statue of Domitian, remains of a structure were found which belong undoubtedly to the *lacus*. This

is an inclosure, about ten by six meters in area, but irregular in shape, paved with slabs of travertine, and inclosed by blocks of the same material which once supported a parapet of slabs of stone. This pavement, a few inches above the level of the Forum of Caesar and a foot below the pavement of the latest period, is laid over an earlier one of slabs of tufa. The area of the tufa pavement is dodecagonal, and about three meters across; it was inclosed by a balustrade of slabs of stone, which ran in a circle all around it. The slabs of travertine have been somewhat roughly hacked away to take this. It has been suggested that the irregular shape of the paved area may be due to the fact that it was intended to mark the irregular shape of the fissure, or swampy place, to which the name of Curtius was attached.

Now, the paved dodecagonal area may represent a puteal, the presence of which may be explained by either of the three stories given above. We supposed that the *lacus* was just about at this spot, and we supposed that its site would be marked by a puteal, or stone inclosure, like that found, but perhaps not so large. We have found, then, exactly the thing that was supposed to exist at this particular place; but we are not appreciably nearer the correct explanation of the monument, and its actual discovery has not cast any noticeable light on the truth or falsity of any one of the three stories.

The recent excavations have made rich contributions to the topography of the Forum and to the history of its buildings, but nothing has as yet been found that has any particular bearing upon questions of early Roman history and legend.

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